

[CHAPTER 436]

AN ACT

To make permanently effective the Act regulating interstate and foreign commerce in petroleum and its products.

June 22, 1942
[S. 2066]
[Public Law 624]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled “An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes”, approved February 22, 1935 (49 Stat. 30), as amended, is hereby repealed.

Petroleum and its products.
Interstate and foreign commerce.

15 U. S. C. § 715f.

Approved, June 22, 1942.

[CHAPTER 443]

AN ACT

To provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes.

June 23, 1942
[S. 2467]
[Public Law 625]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Servicemen’s Dependents Allowance Act of 1942.

Servicemen’s Dependents Allowance Act of 1942.

TITLE I

SEC. 101. The dependent or dependents of any enlisted man of the fourth, fifth, sixth, or seventh grades in the Army of the United States, the United States Navy, the Marine Corps, or the Coast Guard, including any and all retired and reserve components of such services, shall be entitled to receive a monthly family allowance for any period during which such enlisted man is in the active military or naval service of the United States on or after June 1, 1942, during the existence of any war declared by Congress and the six months immediately following the termination of any such war.

Monthly family allowance.
Enlisted men of designated grades.

SEC. 102. The monthly family allowance payable under this title to the dependent or dependents of any such enlisted man shall consist of the Government’s contribution to such allowance and the reduction in or charge to the pay of such enlisted man.

Composition of allowance.

SEC. 103. The dependents of any such enlisted man to whom a family allowance is payable under the provisions of this title shall be divided into two classes to be known as “Class A” and as “Class B” dependents. The Class A dependents of any such enlisted man shall include any person who is the wife, the child, or the former wife divorced of any such enlisted man. The Class B dependents of any such enlisted man shall include any person who is the parent, grandchild, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for a substantial portion of his support.

Classes of dependents.

Class A.

Class B.

SEC. 104. A monthly family allowance shall be granted and paid by the United States to the Class A dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man or made by or on behalf of such dependent or dependents. A monthly family allowance shall be granted and paid by the United States to the Class B dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man, or upon written application to the department concerned made by or on behalf of such dependent or dependents in any case in which the Secretary of the department concerned finds that it is impracticable for such enlisted man to request the payment of such allowance. The payment of a monthly family allowance to any Class B dependent or dependents of any

Application for payment.
Class A.

Class B.

Termination of payments to Class B dependents.

such enlisted man shall be terminated upon the receipt by the department concerned of a written request by such enlisted man that such allowance be terminated.

Amount of Government's contribution.

SEC. 105. (a) The amount of the Government's contribution to the family allowance payable to the dependent or dependents of any such enlisted man shall be the aggregate of the amount of the Government's contribution to the Class A dependent or dependents of such enlisted man and the amount of the Government's contribution to the Class B dependent or dependents of such enlisted man.

Class A dependents.

(b) The amount of the Government's contribution to the Class A dependent or dependents of such enlisted man shall be at a monthly rate of—

- (1) \$28, if such enlisted man has a wife but no child;
- (2) \$40, if such enlisted man has a wife and one child, and an additional \$10 for each additional child;
- (3) \$20, if such enlisted man has no wife but has one child;
- (4) \$30, if such enlisted man has no wife but has two children, and an additional \$10 for each additional child; and
- (5) \$20, in addition to the amounts, if any, payable under clauses (1), (2), (3), or (4) of this subsection, if such enlisted man has a former wife divorced.

Class B dependents.
Maximum contribution.

(c) The amount of the Government's contribution to the Class B dependent or dependents of any such enlisted man shall be at a monthly rate of—

- (1) \$15, if such enlisted man has only one parent who is a Class B dependent, and an additional \$5 for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than \$50 in the aggregate;
- (2) \$25, if such enlisted man has two parents who are Class B dependents, and an additional \$5 for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than \$50 in the aggregate; and
- (3) \$5, if such enlisted man has no parent who is a Class B dependent, for each grandchild, brother, or sister which such enlisted man has who is a Class B dependent, but not more than \$50 in the aggregate.

Proportionate reductions where aggregate would exceed \$50.

In any case in which the amount of the Government's contribution to the Class B dependents of any enlisted man would be greater than \$50, if there were no limitation upon the aggregate amount of the Government's contribution to such dependents, the amount contributed by the Government to each such dependent shall be reduced in the same proportion as the aggregate amount of the Government's contribution to all such dependents is reduced.

Contribution by enlisted man.

SEC. 106. (a) For any month for which a monthly family allowance is paid under this title to the dependent or dependents of any such enlisted man the monthly pay of such enlisted man shall be reduced by, or charged with, the amount of \$22, and shall be reduced by, or charged with, an additional amount of \$5 if the dependents to whom such allowance is payable include both Class A and Class B dependents. The amount by which the pay of any such enlisted man is so reduced or with which it is so charged shall constitute part of the monthly family allowance payable to his dependent or dependents.

Apportionment among dependents.

(b) In any case in which the family allowance is payable to more than one dependent of any such enlisted man, the amount by which the pay of such enlisted man is reduced or with which it is charged shall be apportioned among and paid for the benefit of such dependents in the following proportions:

- (1) If such dependents are all Class A dependents or are all Class B dependents, such amount shall be apportioned among such

dependents in the same ratio in which they share the total Government contribution payable to them under section 105.

(2) If one or more of such dependents are Class A dependents and one or more of such dependents are Class B dependents, \$22 of such amount shall be apportioned among such Class A dependents in the same ratio in which they share the total Government contribution payable to such Class A dependents under section 105 and \$5 of such amount shall be apportioned among such Class B dependents in the same ratio in which they share the total Government contribution payable to such Class B dependents under section 105.

(c) Notwithstanding any other provision of this title, in any case in which a family allowance is granted under this title to a wife or a child living separate and apart from the enlisted man under a court order or a written agreement, or to a former wife divorced, the amount of the family allowance payable to such wife, child, or former wife divorced shall not exceed the amount fixed in the court order or decree or in the written agreement as the amount to be paid to such wife, child, or former wife divorced. In any case in which the application of the provisions of the preceding sentence results in a reduction in a family allowance which would otherwise be payable under this title, the amount by which the pay of the enlisted man is reduced or with which it is charged and the amount of the Government contribution to such family allowance may each be reduced in accordance with such regulations as may be prescribed by the Secretary of the department concerned.

Payments in case of divorce or separation.

SEC. 107. Any monthly family allowance provided for by this title shall be paid for the period beginning with the day on which application therefor is filed or the day on which the dependent or dependents first become entitled thereto under section 101, whichever is later, and ending with the day on which the disbursing officer paying the allowance receives notice of a change in status of the enlisted man concerned which terminated the right of his dependent or dependents to receive such allowance or notice of the discharge from or death in the service of such enlisted man: *Provided*, That in the case of any dependent of an enlisted man in active service on the date of enactment of this Act, if application is filed for a monthly family allowance within six months after such date of enactment or within such longer period as may be prescribed in special cases by the Secretary of the department concerned, the period for which such family allowance shall be paid shall begin with the date on which such dependent first becomes entitled thereto under section 101: *Provided further*, That the Secretary of War and the Secretary of the Navy may, by regulations prescribed by them jointly, fix the dates of commencement and termination of any such family allowance on any dates not more than one month before or one month after the dates above prescribed. Such regulations shall in no event provide for the payment of such allowances for any period prior to June 1, 1942, or for any period when the United States is not engaged in a war declared by Congress and which is more than six months later than the date of termination of any such war. Any allowances which accrue under this title for the period preceding November 1, 1942, shall not be actually paid until after November 1, 1942.

Commencement and termination.

Proviso.
Enlisted men in active service on date of enactment.

Joint regulations.

Limitations.

Earliest date for actual payment.
Post, p. 747.

Effect on existing allotments.

SEC. 108. In any case in which any allotment from the pay of an enlisted man is already in effect at the time a monthly family allowance becomes payable under this title to a dependent or dependents of such enlisted man, such allotment may be continued, modified, or discontinued in accordance with such regulations as may be prescribed by the head of the department concerned.

Designation of
payee.

SEC. 109. Any family allowance to which any dependent or dependents of any enlisted man is entitled under the provisions of this title shall be paid on behalf of such dependent or dependents to any person who may be designated by such enlisted man unless the Secretary of the department concerned determines that the person so designated is not an appropriate payee. In any case in which the Secretary of the department concerned determines that the person so designated is not an appropriate payee or in any case in which the enlisted man has not designated a payee, such allowance shall be paid on behalf of such dependent or dependents to such person as may be designated in regulations prescribed by the Secretary of the department concerned.

Payments irrespec-
tive of accruals.

SEC. 110. (a) Any family allowance granted under the provisions of this title to the dependent or dependents of any enlisted man shall continue to be paid irrespective of the pay accruing to such enlisted man.

Payments in case of
desertion, etc.

(b) In case of the desertion or imprisonment of any enlisted man to the dependent or dependents of whom a family allowance has been granted under the provisions of this title, the family allowance thereafter payable to such dependent or dependents and the reduction of or charge to pay of such enlisted man shall be determined in accordance with such regulations as may be prescribed by the Secretary of the department concerned.

Enlisted man.
When so deemed.

Ante, pp. 143, 369.

(c) In any case in which an enlisted man is entitled to receive or to have credited to his account pay and allowances for any period under the Act of March 7, 1942 (Public Law 490, Seventy-seventh Congress), such enlisted man shall be deemed to be an enlisted man during such period for the purposes of this title.

Designated law not
modified.

(d) Nothing contained in this Act shall be construed to modify the Act approved March 7, 1942 (Public Law 490, Seventy-seventh Congress).

Administration.

SEC. 111. This title shall be administered by the Secretary of War in its application to enlisted men of the Army of the United States and the dependents of such enlisted men and shall be administered by the Secretary of the Navy in its application to enlisted men of the United States Navy, the Marine Corps, and the Coast Guard, and the dependents of such enlisted men. Said Secretaries are authorized to prescribe jointly or severally such regulations as they may deem necessary to enable them to carry out the provisions of this title and to delegate to such officers or employees of their respective departments as they may designate any of their functions under this title.

Regulations.

Determination of
facts; finality.

SEC. 112. The determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of this title shall be made by the Secretary of the department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government. The Secretary of the department concerned may at any time on the basis of new evidence or for other good cause reconsider or modify any such determination, and may waive the recovery of any money erroneously paid under this title whenever he finds that such recovery would be against equity and good conscience. The General Accounting Office shall not refuse to allow credit in the accounts of any disbursing officer for any erroneous payment or overpayment made by him in carrying out the provisions of this title unless such erroneous payment or overpayment was made by him as the result of his gross negligence or with the intent to defraud the United States. No recovery shall be made from any officer authorizing any erroneous payment or overpayment under this title unless such payment was

Reconsideration for
good cause.

Waiver of recovery
of erroneous payments.

Relief of disbursing
officers.

authorized by him as the result of his gross negligence or with the intent to defraud the United States.

SEC. 113. Any appropriations heretofore or hereafter made to the department concerned for the pay of enlisted men shall be available for the payment of the family allowances payable under the provisions of this title.

SEC. 114. The Director of the Selective Service System is authorized and directed to cooperate with the Secretary of War and the Secretary of the Navy by providing them with such information in the possession of, or available to, the Selective Service System as may be necessary to enable them to efficiently administer the provisions of this title.

SEC. 115. The monthly family allowances payable under the provisions of this title shall not be assignable; shall not be subject to the claims of creditors of any person to whom or on behalf of whom they are paid; and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever.

SEC. 116. Whoever shall obtain or receive any money, check, or family allowance under this title, without being entitled thereto and with intent to defraud, shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 117. Whoever in any claim for family allowance or in any document required by this title or by regulation made under this title makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

SEC. 118. Any person who has been entitled to payment of a family allowance under this title and whose entitlement to payment of such allowance has ceased shall, if he thereafter accepts payment of such allowance with the intent to defraud, be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 119. No part of any amount paid pursuant to the provisions of this title shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any family allowance payable under this title, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$100 nor more than \$1,000.

SEC. 120. As used in this title—

(a) The term "wife" means a lawful wife.

(b) The term "former wife divorced" means a former wife divorced who has not remarried and to whom alimony has been decreed and is still payable.

(c) The term "child" includes—

(1) a legitimate child;

(2) a child legally adopted;

(3) a stepchild, if a member of the man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage; and

(4) an illegitimate child, but only if the man has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or, has acknowledged under oath in writing, that he is the father of such child.

(d) The term "grandchild" means a child as above defined of a child as above defined, and is limited to persons to whom the

Appropriations available.

Selective Service System.
Cooperation of Director.

Allowances not assignable, etc.

Penal provisions.
Unlawful receipt of allowance.

Perjury.

Fraudulent acceptance by former payee.

Agent's or attorney's fees, prohibition.

"Wife."

"Former wife divorced."

"Child."

"Grandchild."

"Parent"

Provisos.
Limitation and preference.

"Brother" and "sister."

Limitation of terms.

"Pay" and "base pay."

"Man" and "enlisted man."

Ante, p. 381.
Persons excluded.

"Department concerned."

Selective Training and Service Act of 1940, amendments.
54 Stat. 888.
50 U. S. C., Supp. I, app. § 305 (e).

Deferments.
Persons in essential industry, etc.

54 Stat. 893.
50 U. S. C., app. § 310 (a) (2).
Persons with dependents.

Persons deficient or defective.

Family allowances.
Consideration in determining deferment.

enlisted man has stood in loco parentis for a period of not less than one year prior to his enlistment or induction.

(e) The term "parent" includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, either of the person in the service or of the spouse, and persons who, for a period of not less than one year prior to the man's enlistment or induction, stood in loco parentis to the man concerned: *Provided*, That not more than two within those named therein may be designated to receive an allowance, and in the absence of a designation by the enlisted man preference shall be given to the parent, or parents not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the enlisted man's entrance into active service: *Provided further*, That if such parent or parents be not dependent or waive an allowance, preference may be extended to others within the class who at a more remote time actually supported the enlisted man prior to entrance into service.

(f) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, step-brothers and stepsisters, and brothers and sisters through adoption.

(g) The terms "child", "grandchild", "brother", and "sister" are limited to unmarried persons either (1) under eighteen years of age, or (2) of any age, if incapable of self-support by reason of mental or physical defect.

(h) The terms "pay" and "base pay" means base pay and longevity pay only.

(i) The terms "man" and "enlisted man" mean any enlisted individual of the fourth, fifth, sixth, or seventh grade in any of the services mentioned in section 101 of this Act, but does not include any member of the Limited Service Marine Corps Reserve, the Philippine Army, the Philippine Scouts, the insular force of the Navy, the Samoan native guard or band of the Navy, or the Samoan reserve force of the Marine Corps.

(j) The term "department concerned" means the War Department or the Navy Department, whichever may be the appropriate one in the particular case.

TITLE II

SEC. 201. (a) Paragraph (1) of section 5 (e) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"(1) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of any or all categories of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of any or all categories of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those men found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of men is advisable because of their status with respect to persons dependent upon them for support, any payments of allowances

which are payable by the United States to the dependents of persons serving in the land or naval forces of the United States shall be taken into consideration but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of any or all categories of those men who have wives or children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. Rules and regulations issued pursuant to this subsection shall include provisions requiring that there be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those men who have been classified by such local board."

(b) Section 15 of such Act, as amended, is amended by striking out subsection (c) thereof.

Approved, June 23, 1942.

Certain family relationships.

Group deferments, prohibition.

Publicity respecting classifications.

Section amended.
54 Stat. 896.
50 U. S. C., app. § 315 (c).

[CHAPTER 444]

AN ACT

Making additional appropriations for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes.

June 23, 1942
[H. R. 7182]

[Public Law 626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal years ending June 30, 1941, 1942, and 1943, and for other purposes, namely:

Seventh Supplemental National Defense Appropriation Act, 1942.

For additional amounts for appropriations for the Navy Department and the naval service, fiscal years 1941, 1942, and 1943, to be supplemental to the appropriations and funds in the respective Naval Appropriation Acts for such fiscal years, including the objects and subject to the limitations and conditions specified under the respective heads and under the head "General provisions" contained in such Acts, except as otherwise provided herein, as follows:

54 Stat. 205; 55 Stat. 151; *ante*, pp. 54, 78.

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Miscellaneous expenses, Navy, 1942: For the temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the classification laws, or section 5 of the Act of April 6, 1914 (38 Stat. 335), \$75,000, of which amount \$65,000 shall be available for the payment of obligations incurred since January 28, 1942.

Title VIII, Naval Appropriation Act, 1942.

Title II, Naval Appropriation Act, 1943.
Post, p. 390.
55 Stat. 151; *ante*, p. 78.

41 U. S. C. § 5.

5 U. S. C. § 55.

BUREAU OF NAVAL PERSONNEL

Training, education, and welfare, Navy, 1943: Naval training stations: For maintenance, operation, and other necessary expenses, including services of employees assigned to group IV (b) and those

Ante, p. 276.

Naval training stations.
Ante, p. 56.